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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,532	06/01/2001	Daniel J. McGurran	56763USA2A.002	3298

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EXAMINER

AHMED, SHEEBA

ART UNIT PAPER NUMBER

1773

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/872,532	MCGURRAN ET AL.	
	Examiner	Art Unit	
	Sheeba Ahmed	1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-19 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Amendment to claims 1 and 14 have been entered in the above-identified application. Claims 12 and 20 have been cancelled. **Claims 1-11 and 13-19, and 21 are pending.**

The indicated allowability of the subject matter of now cancelled claims 12 and 20, which subject matter has now been incorporated into claims 1 and 14, is withdrawn in view of the newly discovered reference(s) to Weaver et al. (US 6,248,816).

Rejections based on the newly cited reference(s) follow. Any inconvenience to the Applicants is regretted

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 13-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGurran et al. (US 6,569,517 B1) in view of Weaver et al. (US 6,248,816 B1).

McGurran et al. disclose color-tailorable polymeric optical bodies comprising a polymeric core comprising at least one layer of a thermoplastic polymer material having dispersed therein a particulate pigment and a metallic layer on the outer surface of a

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polymeric core (Column 2, lines 1-5). The color scales of the optical body are L^* , a^* , and b^* wherein the a^* and b^* values range from about -5 to about 5 within the visible spectrum (Column 2, lines 36-43). The core of the optical body can incorporate any thermoplastic material including polyesters such as polyethylene terephthalate (Column 3, lines 39-45). The dispersed particulate pigment has a mean particle diameter of 10nm to 500nm and the most widely used pigments are carbon blacks (Column 5, lines 20-32). The particulate pigment is added in an amount between 0.01 to 1.0% by weight (Column 6, lines 6-11). Useful applications of the invention described by McGurran et al. include the production of neutral or gray tinted film using carbon black and an aluminum surface layer. Carbon black pigmented polymeric cores are slightly yellow in transmission which translates into a positive b^* value. Aluminum has a blue hue, or negative b^* value, and can be used to compliment the carbon black to produce a neutral or gray color. However, a aluminum layer can increase the reflectivity of the optical body and as an alternative to using aluminum, other pigments such indanthrone, copper phthalocyanine and cobalt aluminate can be used in combination with the carbon black to decrease the b^* value of the polymeric core to produce a neutral gray optical body (Column 11, lines 11-35). Desirable transmission of the above described optical bodies ranges from 1 to 95 percent (Column 12, lines 6-24) and the internal haze is less than 5 percent (Column 12, lines 51-67 and Column 13, lines 1-5). The above-described optical bodies can be used in any application to provide a neutral or colored tinted filter and can be applied to other optical bodies such as window glazing made of glass or polycarbonates (Column 13, lines 9-23).

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McGurran et al. fail to disclose that the other pigments or dyes such as indanthrone, copper phthalocyanine and cobalt aluminate are copolymerized in the polymer material.

However, Weaver et al. disclose polymeric composition comprising a mixture of a thermoplastic resin and a dye composition (Column 2, lines 1-3) wherein the dye composition may be blended with the thermoplastic resin or alternatively, the dye may be copolymerized with the thermoplastic resin via a reactive group (Column 2, lines 50-68). Examples of dyes include indanthrone compounds (Column 5, lines 6-7).

Accordingly, it would have been obvious to one having ordinary skill in the art to copolymerize the other pigments such as indanthrone, copper phthalocyanine and cobalt aluminate, as taught by McGurran et al., with their thermoplastic material to decrease the b^* value of the polymeric core to produce a neutral gray optical body given that Weaver et al. specifically teach mixing, blending, and copolymerizing the dye with the thermoplastic material as equivalent methods of imparting color to the thermoplastic material.


Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheeba Ahmed whose telephone number is (571)272-1504. The examiner can normally be reached on Monday-Friday from 9am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau can be reached on (571)272-1516. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sheeba Ahmed
Art Unit 1773
July 20, 2004